



USCA DOCKET # (IF KNOWN)

**UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT  
CIVIL APPEALS DOCKETING STATEMENT**

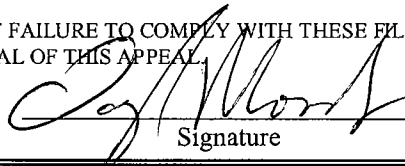
PLEASE ATTACH ADDITIONAL PAGES IF NECESSARY.

<b>TITLE IN FULL:</b> JANSSEN CONTRACTING COMPANY, Inc.,  v.  JON P. COLMAN, NORTHWEST HYGIENETICS, INC., ANCHORAGE SCHOOL DISTRICT, WESTERN VENTURES, Inc. d/b/a CASCADE ENVIRONMENTAL,	<b>DISTRICT:</b> ALASKA <b>JUDGE:</b> RALPH R. BEISTLINE	
	<b>DISTRICT COURT NUMBER:</b> A04-271 CV (RRB)	
	<b>DATE NOTICE OF APPEAL FILED:</b>	<b>IS THIS A CROSS-APPEAL?</b> <input type="checkbox"/> YES
	<b>IF THIS MATTER HAS BEEN BEFORE THIS COURT PREVIOUSLY, PLEASE PROVIDE THE DOCKET NUMBER AND CITATION (IF ANY):</b>	
<b>BRIEF DESCRIPTION OF NATURE OF ACTION AND RESULT BELOW:</b> Declaratory judgment action seeking interpretation and application of federal regulations dismissed for lack of jurisdiction.		
<b>PRINCIPAL ISSUES PROPOSED TO BE RAISED ON APPEAL:</b> Propriety of 28 U.S.C. Sec. 2202 as a basis for awarding attorneys fees.		
<b>PLEASE IDENTIFY ANY OTHER LEGAL PROCEEDING THAT MAY HAVE A BEARING ON THIS CASE (INCLUDE PENDING DISTRICT COURT POSTJUDGMENT MOTIONS):</b> A04-247 CV (RRB) Janssen Contracting Compnay, Inc. v. Jon P. Colman and Northwest Hygienetics, Inc. Pending malpractice action against John P. Colman and Northwest Hygienetics, Inc.		
<b>DOES THIS APPEAL INVOLVE ANY OF THE FOLLOWING:</b> <input type="checkbox"/> Possibility of settlement <input type="checkbox"/> Likelihood that intervening precedent will control outcome of appeal <input type="checkbox"/> Likelihood of a motion to expedite or to stay the appeal, or other procedural matters (Specify) _____ <input type="checkbox"/> Any other information relevant to the inclusion of this case in the Mediation Program _____ <input type="checkbox"/> _____ Possibility parties would stipulate to binding award by Appellate Commissioner in lieu of submission to judges		
<b>LOWER COURT INFORMATION</b>		

JURISDICTION		DISTRICT COURT DISPOSITION	
FEDERAL	APPELLATE	TYPE OF JUDGMENT/ORDER APPEALED	RELIEF
<input checked="" type="checkbox"/> FEDERAL QUESTION  <input type="checkbox"/> DIVERSITY  <input type="checkbox"/> OTHER (SPECIFY):	<input checked="" type="checkbox"/> FINAL DECISION OF DISTRICT COURT  <input type="checkbox"/> INTERLOCUTORY DECISION APPEALABLE AS OF RIGHT  <input type="checkbox"/> INTERLOCUTORY ORDER CERTIFIED BY DISTRICT JUDGE (SPECIFY):  <input type="checkbox"/> OTHER (SPECIFY):	<input type="checkbox"/> DEFAULT JUDGMENT <input type="checkbox"/> DISMISSAL/JURISDICTION <input type="checkbox"/> DISMISSAL/MERITS <input type="checkbox"/> SUMMARY JUDGMENT <input type="checkbox"/> JUDGMENT/COURT DECISION <input type="checkbox"/> JUDGMENT/JURY VERDICT <input type="checkbox"/> DECLARATORY JUDGMENT <input type="checkbox"/> JUDGMENT AS A MATTER OF LAW <input checked="" type="checkbox"/> OTHER (SPECIFY): Order awarding attorneys fees	<input type="checkbox"/> DAMAGES: SOUGHT \$ _____ AWARDED \$ _____  <input type="checkbox"/> INJUNCTIONS:  <input type="checkbox"/> PRELIMINARY <input type="checkbox"/> PERMANENT <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED <input checked="" type="checkbox"/> ATTORNEY FEES: SOUGHT \$ <u>16,410.00</u> AWARDED \$ <u>16,410.00</u>  <input type="checkbox"/> PENDING  <input type="checkbox"/> COSTS: \$ _____

**CERTIFICATION OF COUNSEL****I CERTIFY THAT:**

- COPIES OF ORDER/JUDGMENT APPEALED FROM ARE ATTACHED.
- A CURRENT SERVICE LIST OR REPRESENTATION STATEMENT WITH TELEPHONE AND FAX NUMBERS IS ATTACHED (SEE 9TH CIR. RULE 3-2).
- A COPY OF THIS CIVIL APPEALS DOCKETING STATEMENT WAS SERVED IN COMPLIANCE WITH FRAP 25.
- I UNDERSTAND THAT FAILURE TO COMPLY WITH THESE FILING REQUIREMENTS MAY RESULT IN SANCTIONS, INCLUDING DISMISSAL OF THIS APPEAL.

  
 Signature

2/17/06  
 Date

**COUNSEL WHO COMPLETED THIS FORM**

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**\*THIS DOCUMENT SHOULD BE FILED IN THE DISTRICT COURT WITH THE NOTICE OF APPEAL\***  
**\*IF FILED LATE, IT SHOULD BE FILED DIRECTLY WITH THE U.S. COURT OF APPEALS\***